

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In re AFAF KANAZEH

)
)
)
)
)
)
)

REPORT AND RECOMMENDATION

THIS MATTER comes before the Court on "Writ of Possission for Unlawful Detain Alleged Violation Consumer Federal Protection Law U.S.C. Title 18 U.S.C. 1962, 13(d) U.S. Code 1028, 1029(b)(2)" and "Application Permission to file the Writ" filed by Afaf Kanazeh ("petitioner") on November 30, 2016. On August 16, 2011, this Court entered an order in *Kanazeh v. Commonwealth of Fairfax County, et al.* Civil Action No. 1:09mc47, enjoining petitioner from filing future matters in this Court without first obtaining pre-filing authorization to do so from an appropriate magistrate judge.¹

Pursuant to that order, the undersigned magistrate judge has reviewed the petition filed on November 30, 2016 and petitioner's proposed complaint, which was submitted but not accepted for filing, and the exhibits attached. As discussed

¹ The record reflects this Order repeated the warnings and injunctions from this Court in orders dated October 21, 2003 and July 29, 2011. See *Kanazeh v. Equifax Credit Reporting, et al.* 1:02cv969 (E.D.Va. Oct. 21, 2003) (Order)(Lee.J.)(enjoining petitioner from filing future matters in this Court without first filing a petition for leave to file, certifying that the action is (1) not frivolous, (2) in good faith, and (3) disposed of by this court in a previous action) and *Kanazeh v. Suntrust Corp., et al.* 1:03cv836 (E.D.Va July 29, 2011)(Caheris, J.).

infra, the magistrate judge finds that the claims petitioner seeks to assert fail to state a claim or cause of action and have been disposed of by this Court in a previous action. The undersigned recommends that the Court deny the petition.

To the extent that the proposed complaint can be understood, petitioner's claims appear to relate to a foreclosure which has been the subject of prior complaints filed or attempted to be filed by petitioner. The petitioner provides no jurisdictional or venue statements. The proposed complaint otherwise consists largely of incomprehensible and conclusory allegations.²

The Supreme Court of the United States has held, "a document filed pro se is 'to be liberally construed,' and 'a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal proceedings drafted by lawyers.'" *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). The Fourth Circuit has stated these principles are not without limits and "district courts are not mind readers and are not required to conjure up questions never squarely presented to them." *Neild v. Wolpoff & Abramson, LLP*, 453 F. Supp. 2d 918, 921 (E.D.Va. 2006) (citing *Beaudett v. City of Hampton*, 775 F. 2d 1274, 127 (4th Cir. 1985)).

² A copy of the proposed complaint, with personal identifiers redacted, is annexed hereto.


Upon review of the proposed complaint, it is clear that petitioner's factual and legal claims fail to state a claim or cause of action that has not been previously disposed of by this Court. Further, plaintiff's proposed complaint does not contain sufficient factual allegations to state a valid claim on which relief can be granted as required by Fed. R. Civ. P. 12(b)(6).

Additionally, the undersigned finds that the claims against these defendants were denied in a previous attempted action, *Kanazeh v. First Financial Mortgage, Inc.*, 1:08mc57.

Accordingly, the undersigned recommends that the Court deny the petition because the claims in the proposed complaint are without merit and frivolous.

NOTICE

The parties are advised that objections to this Report and Recommendation, pursuant to 28 U.S.C. § 636 and Rule 72(b) of the Federal Rules of Civil Procedure, must be filed within fourteen (14) days of its service. Failure to object to this Report and Recommendation waives appellate review of any judgment based on it.

 /s/
Theresa Carroll Buchanan
United States Magistrate Judge
THERESA CARROLL BUCHANAN
UNITED STATES MAGISTRATE JUDGE

December 2, 2016
Alexandria, Virginia